

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MIGUEL JOSE GARCIA, )  
 )  
Plaintiff, ) Civil Action No. 08-1236  
 )  
v. ) District Judge Arthur J. Schwab  
 )  
JANET KIMMEL, WILLIAM COLE, )  
W. WOODS, CRAWFORD, R. )  
GILKEY, MICHAEL A. HARLOW, )  
JEFFREY A. BEARD, THE )  
PENNSYLVANIA DEPARTMENT OF )  
CORRECTIONS, )  
Defendants. )

**MEMORANDUM ORDER**

The above captioned case was initiated by the removal of this action from state court on September 5, 2008, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

Magistrate Judge Lisa Pupo Lenihan filed a Report and Recommendation on November 6, 2008 (doc. no. 15), recommending that the Plaintiff's Motion for Preliminary Injunction (doc. no. 5) be denied. Plaintiff was served with the Report and Recommendation and advised that he had until November 24, 2008 to file objections to the Report and Recommendation. No objections have been filed.

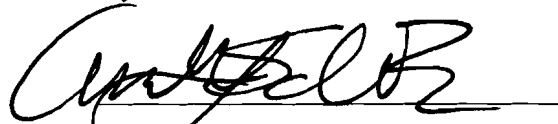
After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 15<sup>th</sup> day of December, 2008;

**IT IS HEREBY ORDERED** that the Plaintiff's Motion for Preliminary Injunction (doc. no.5) is **DENIED**.

**IT IS FURTHER ORDERED** that the Report and Recommendation (doc. no. 15) of Magistrate Judge Lenihan dated November 6, 2008, is **ADOPTED** as the Opinion of the Court.

By the Court:

A handwritten signature in black ink, appearing to read 'Arthur J. Schwab', written over a horizontal line.

Arthur J. Schwab

United States District Judge

cc: Lisa Pupo Lenihan  
United States Magistrate Judge

MIGUEL JOSE GARCIA, DC-7048  
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